

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

SEP 14 2009

SHERMAN DIVISION

DAVID J. MALANU, CLERK
BY
DEPUTY _____

COY LYNN OWENS, #04702-078 §

VS. § CIVIL ACTION NO. 4:08cv227

KEITH ROY, WARDEN §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Don D. Bush, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed without prejudice. Petitioner has filed objections.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Petitioner are without merit. Petitioner has failed to show that the Fifth Circuit granted him permission to file a successive petition. In fact, in Petitioner's objections, he stated that the Fifth Circuit denied his request to file a successive petition on June 3, 2009. Should Petitioner receive such permission in the future, he may file another petition. The Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the petition for a writ of habeas corpus is **DENIED** and Petitioner's case is **DISMISSED** without prejudice. It is further

ORDERED that all motions not previously ruled on are hereby **DENIED**.

SIGNED this 12th day of September, 2009.


RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE